

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN**

<p>PATTIE DELVALLE, individually and on behalf of all others similarly situated,</p> <p style="text-align: center;">Plaintiff,</p> <p style="text-align: center;">v.</p> <p>AMERICAN MASTER PRODUCTS, INC. D/B/A JERRY BAKER,</p> <p style="text-align: center;">Defendant.</p>	<p>Case No. 2:21-cv-12985</p> <p>Honorable Sean F. Cox</p>
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**PLAINTIFF’S UNOPPOSED MOTION FOR LEAVE TO FILE A
NOTICE OF SUPPLEMENTAL AUTHORITY**

Plaintiff Pattie DelValle, individually and on behalf of all others similarly situated, files this Unopposed Motion for Leave to File a Notice of Supplemental Authority in support of her Opposition to Defendant's Motion to Dismiss (ECF No. 15):

1. On April 5, 2022—in a substantially similar PPPA case—Judge David M. Lawson in the Eastern District of Michigan, at oral argument, and, after full briefing, denied a motion to dismiss made by the defendant on the grounds that the claim is barred by the statute of limitations and, alternatively, should be dismissed for lack of Article III standing—the same grounds on which Defendant has moved to dismiss the Complaint in this case. *See* Order and Transcript, *Hall v. Farm Journal, Inc., d/b/a Farm Journal Media*, Case No. 2:21-cv-11811-DML-APP (E.D. Mich. Apr. 5, 2022) (oral argument hearing on defendant's motion to dismiss) (attached as Ex. 1-A and Ex. 1-B, respectively, to Ex. 1). Notably, the defendant in *Hall* raised all of the same arguments, concerning both the statute of limitations and Article III standing, that Defendant makes in its pending Motion to Dismiss in this case (*Compare Hall*, 2:21-cv-11811 ECF No. 11, PageID.548–575 (defendant's motion to dismiss) *with* ECF No. 13 (Defendant's Motion to Dismiss)).

2. In denying the motion to dismiss in *Hall*, Judge Lawson addressed the relevant statute of limitations for claims brought under the Michigan Preservation of

Personal Privacy Act (the “PPPA”)—the same claims at issue in this case. *See* Ex. 1-B to Ex. 1 at pp. 15–19, 20.

3. Judge Lawson also addressed PPPA claims and Article III standing, discussing *Coulter-Owens v. Time Inc.*, 695 F. App’x 117 (6th Cir. 2017). *Id.* at pp. 19–20.

4. In compliance with L.R. 7.1(a)(2), on April 7, 2022, Plaintiff’s counsel requested concurrence in the relief sought by this Motion by contacting Defendant’s counsel. Defendant’s counsel answered that they did not oppose this Motion.

5. The proposed Notice of Supplemental Authority is attached hereto as Exhibit 1.

WHEREFORE, Plaintiff requests that the Court grant Plaintiff’s Unopposed Motion for leave to file the attached Notice of Supplemental Authority.

Dated: April 7, 2022

THE MILLER LAW FIRM, P.C.

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**BRIEF IN SUPPORT OF PLAINTIFF’S UNOPPOSED MOTION FOR
LEAVE TO FILE A NOTICE OF SUPPLEMENTAL AUTHORITY**

STATEMENT OF ISSUE PRESENTED

1. Whether Plaintiff should be granted leave to file a Notice of Supplemental Authority in support of Plaintiff's Opposition to Defendant's Motion to Dismiss (ECF No. 15)?

Plaintiff Answers: Yes.

MOST CONTROLLING AUTHORITY

- *Hall v. Farm Journal, Inc., d/b/a Farm Journal Media*, Case No. 2:21-cv-11811-DML-APP (E.D. Mich. Apr. 5, 2022)

For the reasons set forth in the above Motion, Plaintiff, by and through her undersigned attorneys, requests that the Court grant Plaintiff's Unopposed Motion for Leave to File a Notice of Supplemental Authority in support of Plaintiff's Opposition to Defendant's Motions to Dismiss (ECF No. 15), attached as Exhibit 1 to Plaintiff's Motion.

Dated: April 7, 2022

THE MILLER LAW FIRM, P.C.

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CERTIFICATE OF SERVICE

This certifies that this 7th day of April, 2022, a copy of Plaintiff's Unopposed Motion for Leave to File a Notice of Supplemental Authority was electronically filed with the Clerk of Court of the United States District Court for the Eastern District of Michigan, using the CM/ECF system, which will send a Notice of Electronic filing to all parties of record.

/s/ E. Powell Miller

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